

he had just taken his seat and had had no opportunity to examine the provisions of the bill—excused.

On motion of Mr. Parker, Mr. Walker was added to the committee on Private Land Claims.

The President appointed Mr. Pease to occupy the position of Mr. Jones on the various standing committees.

On motion of Mr. Wallace the Senate adjourned until 10 o'clock to-morrow.

SATURDAY, 10 o'clock, A. M., November 10th, 1849.

The Senate was called to order by the President. The following Senators answered to their names :

Messrs. Brashear, Cooke, Gage, Grimes, Hart, Latimer, McRae, Moffett, Parker, Pease, Phillips, Portis, Robertson, Taylor, Fruit, Van Derlip, Walker and Wallace—quorum present.

The Journals of the preceding day were read and adopted.

Mr. Gage Chairman of the Committee on Privileges and Elections made the following report :

To the Hon. JOHN A. GREER,
President of the Senate :

A majority of the committee on Privileges and Elections, to whom was referred the address of John B. Jones, Esq., to the Senate of the State of Texas, in which he claims a seat as Senator from Galveston county alone, and a certificate of the Chief Justice of said county, "that at an election holden in the county of Galveston, on the first Monday (sixth day) of August, 1849, for a *Senator* in the Legislature of the State of Texas, John B. Jones received for said office, two hundred and eighty eight votes," and that E. M. Pease received for said office, one hundred and seventy-five votes, respectfully report that under an arbitrary apportionment of Senators made by the constitution of the State, Galveston county was a Senatorial district, and so continued to be under the constitution "until the first enumeration as provided for" therein was made, and no longer.

The 31st section of the 3d article of the constitution, declares that the whole number of Senators shall at the *next* session after the several periods of making the enumeration, be fixed by the Legislature, and apportioned among the several *districts* to be

established by law according to the number of qualified electors.

In accordance with an act passed by the Legislature of the State at its first session, an enumeration of the qualified electors was made, and at the next session, the whole number of Senators was fixed by the Legislature and apportioned among the several *districts* then established by law, according to the number of qualified electors. The equitable apportionment then made is the only one upon the statute book. It entirely supercedes the temporary, unequal and constrained apportionment made by the Constitution, under which John B. Jones, Esq., claims the right to a seat as Senator from Galveston *county*. It has *united* the counties of *Galveston* and *Brazoria*, and of them formed the Senatorial *district* now represented in the Senate by the Hon. E. M. Pease, under a recent and unequivocal decision of the Senate.

There is no provision made by law under which Galveston *county* is entitled to a sole, separate Senator in the present Legislature of the State. The "county of Galveston forms part only of a Senatorial district of the Eleventh Senatorial District of the State, and the certificate of the Chief Justice of Galveston *county* does not entitle said John B. Jones, Esq., to a seat as Senator elect from said district or from any other Senatorial District whatsoever. The majority of the committee therefore recommend that the further consideration of the said claim of John B. Jones, Esq., be indefinitely postponed.

D. GAGE, Chairman,
A. G. WALKER,
B. RUSH WALLACE.

Mr. Walker introduced a bill to be entitled an act for the relief of the citizens of Mercer's Colony—read 1st time.

Mr. Wallace introduced a Bill to be entitled an act to establish the mileage and per diem pay of the Electors of President and Vice President of the United States—read 1st time.

Mr. Taylor introduced a Joint Resolution granting further time for the payment of Government dues and the return of field notes—read 1st time.

Mr. Pease offered the following resolution :

Resolved that the President appoint a committee of three to report Joint Rules for the government of the two Houses of the Legislature, and that the House be requested to appoint a like committee to act jointly with the committee of the Senate—adopted.

Messrs. Pease, Taylor and Moffett were appointed said committee.

Mr. Walker introduced a bill to be entitled an act to repeal an act prescribing the punishment for cutting down, carrying away or destroying trees or timber upon any land without the consent of the owner—read first time.

Mr. Wallace offered the following resolution :

Resolved, That the Senate will daily adjourn until o'clock A. M., of the ensuing day unless a different time be specified in the motion to adjourn. On motion of Mr. Pease the blank was filled with "10". The resolution as amended was adopted.

Mr. Moffett introduced a Joint Resolution requiring the Supreme Court to adjudicate all criminal cases before it for adjudication, first—read first time.

ORDERS OF THE DAY.

A bill to be entitled an act to change permanently the name of Daniel Richardson Kaufman to Daniel Kaufman Richardson—read third time and passed.

Joint Resolution relative to the amendment of the Constitution—read second time and on motion of Mr. Robertson referred to the committee on the Judiciary with instructions to enquire 1st. What offices will be vacant if any—2d. To provide for that contingency in the most practicable manner until the election by the people.

Joint Resolution calling on the Secretary of State for certain information—read second time.

Mr. Van Derlip offered the following as a substitute :

Resolved, That the House of Representatives be requested to furnish the Senate with the report of the Secretary of State, accompanying the Governor's Message and all other papers in their possession relating to the vote of the people upon the proposed amendment to the Constitution.

On motion of Mr. Gage, the resolution and substitute were laid on the table.

A bill to be entitled an act to amend an act regulating fees of offices passed 20th March, 1848—read second time, and on motion of Mr. Walker referred to the committee on the Judiciary.

Joint Resolution instructing our Senators and requesting our Representatives to urge upon the Congress of the United States the passage of a law for the removal of Indians—read first time and on motion of Mr. Gage referred to the committee on Indian Affairs.

A bill to be entitled an act to amend the act to incorporate the town of San Augustine—read second time and ordered to be engrossed.

The Report of the majority of the committee on Privileges and Elections on the memorial of John B. Jones was read and adopted by the following vote :

Yeas.—Messrs. Cooke, Gage, Grimes, Hart, Latimer, McKee, Moffett, Parker, Phillips, Taylor, Truit, Walker and Wallace.—13.

Nays.—Messrs. Brashear, Pease, Portis, Robertson, and Van Derlip.—5.

A message was received from the Governor through his private Secretary presenting two communications in writing, which were read and on motion of Mr. Parker, made the order of the day for Monday the 12th inst.

On motion of Mr. Brashear the Senate adjourned.

REPORT OF THE SENATE ON THE MEMORIAL OF JOHN B. JONES

MONDAY, 10 o'clock, A. M., November 12th, 1849.

The Senate was called to order by the President—Senators present: Messrs. Brashear, Cooke, Gage, Grimes, Hart, McKee, Moffett, Pease, Phillips, Portis, Robertson, Taylor, Truit, Van Derlip, Walker, and Wallace—quorum present.

The Journal of the preceding day was read and adopted.

On motion of Mr. Walker, Mr. Parker was excused from attendance on the Senate on account of sickness.

Mr. Cooke presented the petition of Benjamin Bryant, praying that certain children therein named be legitimated: read, and on motion of Mr. Cooke, referred, together with a bill to legitimate said children, to the Committee on the Judiciary.

Mr. Wallace presented the petition of B. J. Thompson for the heirs of Patsy Lewis, which was read, and, on motion of Mr. Wallace, referred, together with accompanying documents, to the committee on Private Land Claims.

Mr. Phillips presented the petition of James Taylor, praying for a league of land, which was read, and, on motion of Mr. Phillips, referred, together with accompanying documents, to the committee on Private Land Claims.

Mr. Wallace presented the petition of citizens of San Augustine, praying for relief of Wm. B. Andrews; read, and, on motion of Mr. Wallace, referred to the committee on Claims and Accounts.